

Exhibit 31

Alabama

Watch your mailbox: Alabama going after overdue court fines, fees, restitution



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on October 17, 2014 at 10:56 AM

BIRMINGHAM, Alabama -- A few weeks ago, notices were sent to 330 people to show up Oct. 20 at a Jefferson County courtroom in Birmingham to explain why they haven't paid traffic fines and court costs -- totaling \$138,500 -- and giving them a chance to work out payment plans.

Most past due penalties date back two to five years, although one \$388 fine involves a man ticketed for driving with a suspended license in 1993.

The hearing is part of the Restitution Recovery Initiative for Victims in Alabama, a program begun in recent months around the state to collect what the Alabama Administrative Office of Courts estimates could be up to \$500 million in overdue restitution, fines and court costs across the state.

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RRIVA, which operates with retired district attorneys and judges, is being pushed by state legislators and prosecutors to help cash-strapped court clerk and district attorney offices collect money for victims and those offices. But a few defense lawyers are fearful the effort could lead to poor people being tossed into what amounts to a "debtor's prison" simply because they can't pay -- a concern state officials say is unfounded.

How it works

Under RRIVA, court hearing notices are sent out to people who are past due, by at least 90 days, on their fines and where collection has already been turned over by court clerks to the local district attorney's office. Some people might have started paying, but stopped.

"It's not new cases," said Barry Matson, deputy director of the Alabama Office of Prosecution Services, which is coordinating RRIVA with the Administrative Office of Courts. "This is stuff that has been outstanding for years and years and (the person) had agreed to the fines or restitution but hasn't ... Everybody has a different story as to why that has happened."

One of the 10 retired judges from around the state who have volunteered so far for RRIVA are assigned to hear the docket of cases. One or more former district attorneys on supernumerary status are assigned to work on the case. So far, about 15 former district attorneys around the state have volunteered.

When a person shows up for the court hearing, they either pay the amount due or work with the district attorney and judge to set up a monthly payment plan based on how much they can afford, OPS officials said.

"Whatever they can do that's within their ability, we try to do that," Matson said.

Alabama law allows a 30 percent fee to be tacked on to what is owed. That fee goes to the local district attorney's and circuit and district clerk offices.

Once a payment plan has been approved by the judge, the person must return periodically for review dockets to make sure they are making their payments.

Rollout of RRIVA

RRIVA began in August with dockets in eight counties around the state.

In the early stages, officials have been concentrating on traffic and misdemeanor cases primarily from 2009 to 2013, said Beau Brown, legal counsel for OPS who is coordinating the RRIVA efforts. The effort will gradually be expanded to older cases and to circuit court cases.

"What we plan to do is keep working back," Brown said.

The traffic fine docket scheduled for Monday will be handled by retired Jefferson County Circuit Judge James Hard and former Jefferson County District Attorney David Barber and Janice Clardy Massa, former district attorney for Elmore, Autauga and Chilton counties.

Hard on Monday also will have a review docket for the 24 people who showed up for the county's first misdemeanor crimes docket. Those cases range from loitering to possession of marijuana with a total of \$24,159 due.

The cases on Monday's traffic docket include people who have been found guilty of a wide range of traffic offenses -- from speeding or driving with a revoked license to driving under the influence of alcohol. Most of the cases on that docket are between 2009 and 2012, although a few are older, and total \$138,500.

The person with the highest fine still due on Monday's traffic docket is a Birmingham man who owes \$1,688 for a 2012 guilty plea to driving under the influence. He had been stopped at a traffic safety checkpoint in December 2011.

Court records show the man never made a payment and notices to his last known address were returned undeliverable.

Problems locating people who owe has been a problem. Barber said he handled a RRIVA docket in Cleburne County in which a couple hundred notices were sent out, but only 15 came to court that day. Many of the tickets involved Interstate 20 traffic stops of motorists who don't live in that county, he said.

RRIVA has one person (a former court clerk) assigned to skip-trace -- tracking down the location of those who owe money.

Despite problems finding people, Barber said he has already seen some progress on collection of past due fines. Before a recent hearing on cases in Talladega County, people came in and paid \$3,000 before the court date, he said. "The whole idea is just to get people to pay what they owe," Barber said. "Some people who go to jail think that wipes the slate clean (for money penalties). It didn't."

Debtor's prison?

A few Birmingham area attorneys said they are concerned the program could turn into a sort of debtor's prison -- similar to what one judge ruled a few years ago had happened in the small town of Harpersville.

In his 2012 ruling, Shelby County Circuit Judge Hub Harrington called the practice by Harpersville's city court and private probation company to jail people for failing to pay court fines and fees.

"We are gravely concerned about these types of dockets because of the potential for constitutional violations," Jefferson County Public Defender Kira Founteneau wrote in an email to AL.com. "This is of particular concern where the District Attorney seeks to impose a jail sentence."

Matson said debtor's prisons are illegal. A judge would determine whether a person has the ability to pay and how much that person could pay a month, he said.

"There's a difference between can't pay and won't pay," Matson said.

Brown said the goal is to keep people working so they can pay the money.

Matson cited the case of a Huntsville long-haul driver as one example. The man has an old drug case and some more recent traffic fines, but when he made payments the money was being directed first to the older drug case. As a result, the man couldn't get his traffic fines paid off and couldn't get his license back so he could return to his truck driving job, he said.

Shelby County

RRIVA, funded by some criminal forfeiture money, is designed to help the pre-existing restitution recovery units in the local district attorney offices, Matson and Brown said. Many of those offices have little or no staffs or resources, they said.

Not every county, however, is participating in the RRIVA effort.

Shelby County is one of the counties that has not signed on, but has its own revamped recovery unit.

Cindy Kelly Fuhrmeister, who retired last year as chief of the civil division for the U.S. Attorney's Office in Birmingham, was hired as an assistant Shelby County District Attorney this year to oversee the office's restitution recovery unit.

"We always had one here but we needed to reinvigorate and ramp it up," Fuhrmeister said. "It will hopefully increase collection of restitution to victims of crime in Shelby County."

As of June the county had an estimated \$27.5 million in past due payments turned over for collect, Fuhrmeister said.

Shelby County Circuit Judge Dan Reeves in August began a restitution compliance docket, Fuhrmeister said. Reeves has asked community corrections officials to work with the defendants to develop budgets that include payments, she said.

"We all understand a lot of people can't pay back the entire debt at one time and factor that in," Fuhrmeister said.

The first docket had about 50 cases, the second about 35 and one set for November has about 60, Fuhrmeister said. The program is beginning with newer cases before going back to older ones, she said.

She encouraged people to contact her office to go ahead and set up a payment agreement.

And it won't become a debtor's prison, Fuhrmeister said. "Alabama law is very clear... If someone owes a debt and they simply can't pay for lack of resources they will not go to jail," she said.

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